

NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 04-47

Petition of The Berkshire Gas Company for approval by the Department of Telecommunications and Energy of a gas portfolio optimization agreement and a gas sales and purchase agreement with BP Energy Company

On April 27, 2004, The Berkshire Gas Company ("Berkshire" or "Company") filed with the Department of Telecommunications and Energy ("Department") a petition for approval of a gas portfolio optimization agreement ("Portfolio Agreement") and a gas sales and purchase agreement ("Purchase Agreement") executed between the Company and BP Energy Company ("BP Energy"). If approved by the Department, BP Energy will act as Berkshire's agent for the purchase, transport, and storage of the Company's gas supplies in order to enhance the Company's gas supply portfolio and obtain least-cost gas supplies. According to the Portfolio Agreement, the Company would retain full control of its gas supply, transportation, and storage costs. The Portfolio Agreement's term is for a three-year period commencing on April 1, 2004.

The Department will hold a public hearing on Friday, July 23, 2004, at 2:00 p.m., to receive comments on the Company's petition at the Department's offices, One South Station, Boston, Massachusetts. Any person who desires to comment may do so at the time and place noted above or submit written comments no later than the close of business (5:00 p.m.) on July 22, 2004. The Department will conduct a procedural conference following the conclusion of the public hearing.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business (5:00 p.m.) on July 22, 2004. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not

mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and three (3) of all written comments or petitions to intervene must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, Massachusetts, 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene must be sent to the Company's attorney, James M. Avery, Esq., Brown, Rudnick, Berlack, and Israels, LLP, One Financial Center, Boston, Massachusetts 02111.

All written pleadings or comments also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and John.Geary@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-47); (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Corel Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with a ".doc" suffix), or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All written pleadings or comments submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dpu>.

A copy of the Company's petition is available for inspection at the Department's offices, One South Station, Boston, Massachusetts, during normal business hours (Monday through Friday -- 9:00 a.m. to 5:00 p.m.). Copies are also on file for public viewing at the offices of the Company, 115 Cheshire Road, Pittsfield, Massachusetts. Any person desiring further information regarding the Company's filing should contact James M. Avery, Esq., at (617) 856-8200. Any person desiring further information regarding this notice should contact John J. Geary, Hearing Officer, Department of Telecommunications and Energy at (617) 305-3500.

D.T.E. 04-47

ORDER OF NOTICE

Petition of The Berkshire Gas Company for approval by the Department of Telecommunications and Energy of a gas portfolio optimization agreement and a gas sales and purchase agreement with BP Energy Company

The Berkshire Gas Company ("Berkshire" or "Company") shall, no later than July 9, 2004, publish the attached Notice of Filing and Public Hearing in (1) either the Boston Globe or the Boston Herald, (2) the Berkshire Eagle, and (3) the Greenfield Recorder. The Company shall also serve a copy upon the service lists for Berkshire Gas Company, D.T.E. 01-41 (2001), and Berkshire Gas Company, D.T.E. 02-19 (2002), and to any person who has filed a request for notice with the Company. Berkshire is required to make return of service at the time of the public hearing.

By Order of the Department,

Mary L. Cottrell, Secretary